

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANDREW McKEVITZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:18-cv-00132
)	
SILVER CITY RESOURCES, INC.)	JURY DEMAND
)	
Defendant.)	

MOTION FOR DEFAULT JUDGMENT PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE 55(b)

COMES NOW, Andrew McKevitz, through counsel, to file this Motion for Default Judgment pursuant the Federal Rules of Civil Procedure 55(b), and states as follows:

1. The Clerk of this Honorable Court filed an Entry of Default on March 22, 2021 [Doc. 167] in this matter pursuant the Federal Rules of Civil Procedure 55(a).
2. Defendant Silver City Resources, Inc. defaulted in this matter by not responding to Plaintiff's Motion for Summary Judgment.
3. This Honorable Court ruled on Plaintiff's Motion for Summary Judgment that Defendant Silver City Resources, Inc. violated 47 U.S.C. §§ 227(b)(1)(A)(iii) and 227(c)(5)(B) relating to robocalls and Subscriber Privacy Rights, respectively [Doc. 33].

4. Additionally, the Honorable Court determined that there was not genuine issue of material fact relating to the seven (7) calls received from Defendant [Doc. 33].
5. Therefore, Defendant owes Plaintiff \$500.00 per violation call, for a total of \$3,500.00, in statutory damages pursuant to 47 U.S.C. § 227(b)(3)(B).
6. And Defendant owes Plaintiff \$500.00 per violation call, for a total of \$3,500.00, in statutory damages pursuant to 47 U.S.C. § 227(c)(5)(B).
7. The total of both abovementioned violations is \$7,000.00.
8. Defendant is neither a minor nor incompetent person.

PREMISES CONSIDERED, Plaintiff Andrew McKevez requests that this Honorable Court to:

9. Enter a Default Judgment against Defendant Silver City Resources, Inc. in the amount of \$7,000.00.
10. Tax court costs to Defendant Silver City Resources, Inc.

Respectfully submitted this 24th day of March, 2021.



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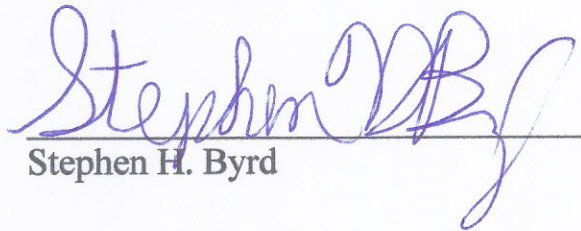
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been properly served via CM/ECF system, U.S. Mail, postage prepaid, e-mail, or hand delivered upon the following:

Registered Agent, Terri L. Montheith
6370 W. Flamingo Road
Suite 5M
Las Vegas, Nevada 89103

Registered Agent, Terri L. Montheith
2950 S. Rancho Drive
Suite 204
Las Vegas, Nevada 89102

This the 24th day of March, 2021.


Stephen H. Byrd